

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

MICHAEL P. MCKINNEY,)
vs. Plaintiff,) No. 1:08-cv-471-DFH-TAB
SHERIFF OTIS ARCHEY, et al.,)
Defendants.)

Order Transferring Action to Northern District of Indiana

Plaintiff Michael P. McKinney is confined at the Grant County Jail. The plaintiff alleges in this action brought pursuant to 42 U.S.C. § 1983 that authorities at the Grant County Jail violated his constitutional rights by placing him at substantial risk of harm. He seeks compensatory damages and injunctive relief. The Grant County Jail is located in the Northern District of Indiana. 28 U.S.C. § 94(a)(1). The plaintiff has filed a motion for the appointment of counsel, and in that same filing the plaintiff requests to proceed *in forma pauperis*, and requests forms from the court.

When jurisdiction is not founded solely on diversity, venue is proper only in the district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) any defendant may be found, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b). Here, the acts the plaintiff alleges in support of his claims took place in the Northern District.

Accordingly, the above action is now **TRANSFERRED** to the United States District Court for the Northern District of Indiana at Fort Wayne, Indiana. No ruling has been made on the motion for the appointment of counsel nor on the request to proceed *in forma pauperis*.

So ordered.

David F. Hamilton

DAVID F. HAMILTON, Chief Judge
United States District Court

Date: 4/25/2008

Distribution:

MICHAEL P. MCKINNEY
#1027
GRANT COUNTY JAIL
214 East 4th Street
Marion, IN 46952